IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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GREGORY THOMAS,

                    Plaintiff,

                                                    Civil Action No.
          -v-   5:08-CV-0318 (NAM/DEP)

JAMES O'BRIEN, Syracuse Police Officer,
OFFICER DADEY, OFFICE CUNNINGHAM,
and SGT. RATHBUN,

                    Defendants.

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APPEARANCES:

FOR PLAINTIFF: OF COUNSEL:

HINMAN, HOWARD LAW FIRM   PATRICK J. MAY, ESQ.
P.O. Box 5250
80 Exchange Street
700 Security Mutual Building
Binghamton, NY 13902-5250

FOR DEFENDANTS:

HON. MARY ANN DOHERTY, ESQ   JOE DOYLE, ESQ.
CITY OF SYRACUSE   JAMES McGINTY, ESQ.
CORPORATION COUNSEL   Assistant Corporation Counsel
233 East Washington Street
Room 301 City Hall
Syracuse, NY 13202

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

ORDER

Currently before the court in connection with this action, commenced by the plaintiff under 42 U.S.C. § 1983 alleging deprivation of his civil rights, is a motion by the defendants seeking a ruling *in limine* precluding plaintiff from offering proof at trial of the results of a statement suppression hearing and dismissal of criminal charges against the plaintiff, both of which relate to plaintiff's arrest on or about April 14, 2005, which is also the subject of this proceeding. Dkt. No. 65. Defendants' motion is opposed by the plaintiff. Dkt. No. 81.

Oral argument was conducted in connection with defendants' motion on January 18, 2012. At the close of argument I issued a verbal decision granting defendants' motion. Based upon the foregoing and the court's bench decision, which is incorporated herein by reference, it is hereby

ORDERED as follows:

1)   Defendants' motion *in limine* is GRANTED.

2)   Plaintiff shall be precluded from adducing evidence, including testimony, at the trial of this matter relating to a) the state court determination suppressing evidence resulting from the arrest and search of the plaintiff on or about April 14, 2005, and b) the dismissal of the criminal charges resulting from that arrest.

2

Dated: January 20, 2012

            Syracuse, NY

                                         David E. Peebles
                                         U.S. Magistrate Judge